

DALE WYSOCKI,)	Case No. 2:17-cv-00333-JAD-NJK
)	
Plaintiff(s),)	ORDER SETTING HEARING
)	
vs.)	(Docket No. 21)
)	
DIKRAN DOURIAN,)	
)	
Defendant(s).)	

On September 11, 2017, the Court ordered Plaintiff to provide initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1) and respond to Defendant's first set of written discovery requests no later than September 25, 2017. Docket No. 17. In the instant motion, Defendant seeks case-dispositive sanctions for numerous discovery violations committed by Plaintiff's counsel since the Court's order, including the following:

- Failure to provide all documents identified in Plaintiff’s initial disclosures and referenced in Plaintiff’s responses to Defendant’s written discovery requests. Docket No. 21 at 4; *see also* Docket Nos. 21-1, 22-2.
- Failure to respond to Defendant’s second and third set of interrogatories. Docket No. 21 at 5.

- 1 • Deficient calculation and evidence of Plaintiff's damages. *Id.* at 10.
- 2 • Failure to provide Defendant access to documents for inspection and copying pursuant
- 3 to Fed.R.Civ.P. 26(a)(1)(A). *Id.* at 4-5.

4 Given the recurring discovery disputes between the parties, the Court hereby **SETS** a hearing on
5 the second motion for sanctions for 11:00 a.m. on November 13, 2017, in Courtroom 3C.

6 “[D]iscovery is supposed to proceed with minimal involvement of the Court.” *F.D.I.C. v.*
7 *Butcher*, 116 F.R.D. 196, 203 (E.D. Tenn. 1986). “It is regrettable that counsel for the parties and/or
8 the parties themselves have so much difficulty cooperating with discovery and the Court is often called
9 upon to spell out detailed rights and responsibilities.” *Id.* Counsel should seek judicial intervention only
10 as a last resort after thoroughly discussing the dispute through a meet and confer. *See, e.g., F.D.I.C. v.*
11 *26 Flamingo, LLC*, 2013 WL 2558219, *1 (D. Nev. June 10, 2013); *see also* Local Rules 26-7(c), IA
12 1-3 (defining meet and confer as “direct dialogue and discussion in a face-to-face meeting, telephone
13 conference, or video conference”).

14 The Court expects civility among attorneys. “Obstructive refusal to make reasonable
15 accommodation,” such as that exhibited here, “not only impairs the civility of our profession and the
16 pleasures of the practice of law, but also needlessly increases litigation expenses to clients.” *Hauser v.*
17 *Farrell*, 14 F.3d 1338, 1344 (9th Cir. 1994). Counsel are expected to attend and participate in the
18 hearing with this in mind.

19 IT IS SO ORDERED.

20 DATED: November 6, 2017

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23 NANCY J. KOPPE
24 United States Magistrate Judge
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